IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.393 OF 2002

Shri Shankar Vishnu Neherkar & Anr. ..Petitioners.

V/s.

Chief Engineer & Ors. ..Respondents.

Mr.R.S.Apte for M.V.Limaye for petitioners.

Mr.Vijay Patil for respondent No.1.

Mr.C.R.Sonawane, AGP for respondent No.2.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 18, 2006.

P.C. :

1. Heard counsel for the parties.

2. In terms of the order dated April 17, 2006, the respondent No.2 is present in court. From the pleadings on record it is obvious that award has been passed by the respondent whereunder the petitioner to be paid compensation for 1 Hector of land. Grievance in this petition is that compensation has been determined on the basis of market value of the land as on the date on notification dated 1993 and not on the basis of prevailing market rate as in November, 2001. It will be open to the petitioner to challenge the award as passed by the respondents determining

the market value of the said land. Leaving that question open, this petition is disposed of as it is not possible to take the view that it is wilful disobedience of the order of the court.

3. Mr.Apte, advocate for the petitioner submits that the amount payable under the award has not received by the petitioners so far. It appears that the respondents have already deposited the amount in terms of award before appropriate forum. The petitioner if so advised, may take steps to withdraw the amount. Such request will be considered in accordance with the law.